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**NATIONAL OCEANIC and
ATMOSPHERIC
ADMINISTRATION
Environmental Manual**

NOAA		Section 14
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ATTACHMENT A
Determination of a Categorical Exclusion Under NEPA
(To be provided by NOAA)	

14 IMPLEMENTATION OF NEPA

Synopsis

This section is designed to provide guidance on the requirements of the National Environmental Policy Act (NEPA) as it impacts NOAA facility or work site operations. The section applies to all NOAA facilities and work sites.

Initial Implementation Requirements:

- **Compare Site/Facility Operations with the Requirements of this Section**
 - Identify facility/work site plans that may have environmental impacts (14.6)
 - Contact the RECO and/or NOAA NEPA Coordinator to determine if the proposed action is deemed a categorical exclusion (14.6.1)
 - If no, prepare an environmental assessment (EA) to determine if action will significantly affect the environment (14.6.2)
 - If no, issue a Finding of No Significant Impact (FONSI) (14.6.2)
 - If yes, prepare an Environmental Impact Statement (EIS) (14.6.3)
 - Prepare public notices and conduct a public hearing if necessary (14.6.3)
 - Prepare public record which explains the final decision and how the findings of the EIS were addressed (14.6.3)

Recurring and Annual Task Requirements:

- **Review New Projects for Applicability of NEPA**

Checklist

14 Implementation of NEPA	YES	NO	N/A
1. Is the facility planning a project which qualifies for a Categorical Exclusion (CE) per the checklist in Attachment A?	_____	<input type="checkbox"/>	_____

14 IMPLEMENTATION OF NEPA

14.1 Purpose and Scope

This section is designed to provide guidance on the requirements of the National Environmental Policy Act (NEPA) as it impacts NOAA facility or work site operations. The section applies to all NOAA facilities and work sites.

14.2 Definitions

Categorical Exclusion (CE) - an action which the agency has determined will not have any significant environmental effect and hence will not require application of the NEPA process.

Designated Person - a NOAA employee assigned the task of coordinating the NEPA process of a NOAA facility or work site. This role need not be assigned to the Facility Environmental Coordinator. It may be assigned to another NOAA employee.

Designated Responsible Official (DRO) - the senior NOAA official on-site. This official has authority over operations or activities which are subject to environmental and worker safety statutes. The responsibility of the DROs is inherent in their position and need not be formally designated or ascribed.

Facility Environmental Coordinator (FEC) -the individual responsible for ensuring the activities carried out at a facility are conducted in accordance with Federal, state and local environmental regulations. Typically, each NOAA facility will have a designated FEC who is also responsible for compliance with occupational safety and health requirements. In the NWS, this individual is identified as the Environmental and/or Safety Focal Point

Environmental Assessment (EA) - a document that determines whether a proposed or planned action will significantly affect the environment.

Environmental Impact Statement (EIS) - a detailed evaluation of a proposed action and its alternatives.

14.3 Acronyms Employed in This Section

CAA	-	Clean Air Act
CE	-	Categorical Exclusion
CZMA	-	Coastal Zone Management Act

DRO	-	Designated Responsible Official
EPA	-	Environmental Protection Agency
EA	-	Environmental Assessment
EIS	-	Environmental Impact Statement
ESA	-	Endangered Species Act
FEC	-	Facility Environmental Coordinator
FONSI	-	Finding of No Significant Impact
MPRSA	-	Marine Protection, Research and Sanctuaries Act
NAO	-	NOAA Administrative Order
NEPA	-	National Environmental Policy Act
NHPA	-	National Historic Preservation Act
NOAA	-	National Oceanic & Atmospheric Administration
NWS	-	National Weather Service
PPA	-	Pollution Prevention Act
RECO	-	Regional Environmental Compliance Officer
ROD	-	Record of Decision

14.4 Regulatory Requirements

a. Federal

The National Environmental Policy Act (NEPA)

Under NEPA, the EPA created a process which requires all Federal agencies to evaluate the historic, socioeconomic and environmental consequences of “major actions” using a process that requires input from the public when environmental impacts could result. These regulations are found in 40 CFR Chapter V Parts 1500 to 1517.

NEPA encompasses a wide variety of existing environmental legislation including, but not limited to, the: Clean Air Act (CAA), Clean Water Act (CWA), Coastal Zone Management Act (CZMA), National Historic Preservation Act (NHPA), Marine Protection, Research and Sanctuaries Act (MPRSA), Pollution Prevention Act (PPA) and the Endangered Species Act (ESA).

The NEPA review process could be required if a NOAA facility or work site plans to:

- (1) construct, modify or rehabilitate a building or property

- (2) implement changes in facility siting or perform a significant redistribution of staff
- (3) make changes that will alter the prevailing land use.

b. State

Some States have enacted legislation that mirrors the Federal statutes. NOAA facilities or work sites will need to contact the NOAA Regional Environmental Compliance Officer to determine the applicability of State requirements.

c. NOAA Orders

The National Oceanic and Atmospheric Administration (NOAA) has promulgated NOAA Administrative Order NA0 216-6, "Environmental Review Procedures for Implementing the National Environmental Policy Act." This order, which was effective on May 20, 1999, explains how NOAA will comply with the NEPA requirements. The order creates the role of the "NEPA Coordinator" and tasks this individual with "ensuring NEPA compliance for NOAA." Assigned to the NOAA Office of Strategic Planning, the NEPA Coordinator is assigned to assist Line, Staff and Program Offices in establishing "categorical exclusions," defining what is a "significant action" and providing consultation on NEPA matters.

14.5 NEPA Requirements

Under Section 102 of the law, Federal agencies must incorporate environmental consideration in their planning and decision-making. All Federal agencies are now required to prepare detailed statements assessing the environmental impact of major Federal actions that could significantly affect the environment and the alternatives to this action.

These statements are termed environmental impact statements (EISs).

14.6 The NEPA Process

The NEPA evaluation process involves three levels of analysis:

- a. categorical exclusion determination
- b. preparation of an environmental assessment (EA) and a finding of no significant impact (FONSI)
- c. preparation of an environmental impact statement (EIS).

As defined in NOAA Administrative Order NA0216-6, the NOAA NEPA Coordinator, working with Line, Staff and Program Offices and their designated Responsible Program Managers (RSMs), will establish categorical exclusions and establish or define the criteria used to define “significant.”

14.6.1 Categorical Exclusion (CE)

A number of Federal agencies have developed lists of actions which are normally excluded from environmental evaluation under the NEPA regulations. Although in administrative order NAO-216-6, NOAA has not included a list of categorical exclusions (CEs), it has provided the criteria for evaluating when an action can be designated a CE in Section 6.03 of the order. In addition, Section 6.03c.3 of the order provides categories of projects or actions that normally do not have the potential for a significant impact on the quality of the human environment. This document can be accessed at <http://www.rdc.noaa.gov/~nao/216-6.html>.

A NOAA facility or work site planning an action that is deemed to meet the requirements for a categorical exclusion would have no further requirements under NEPA except to document the CE and submit a copy to the RECO.

14.6.2 Environmental Assessment (EA)

For this level of effort, the NOAA facility will prepare a written environmental assessment to determine whether the planned or proposed action would significantly affect the environment. If the answer is no, NOAA will issue a finding of no significant impact (FONSI) in which NOAA may describe actions which will be taken to reduce or mitigate any potentially significant impacts. The NOAA Regional Environmental Officer (RECO) should be contacted prior to attempting to prepare the EA.

The EA will provide sufficient evidence and analysis to support either a finding of no significant impact (FONSI) or the determination that an environmental impact statement (EIS) will be required.

If the EA determines that the environmental effects of the proposed action may be significant, an EIS is then required to be prepared.

14.6.3 Environmental Impact Statement (EIS)

The EIS is a detailed evaluation of the proposed action and its alternatives. The public, other agencies and other outside parties may provide input into the preparation of the EIS and then provide comments on the draft EIS. Again, the NOAA RECO should be contacted prior to preparing the EIS.

If an action is expected to impact the environment or be controversial, the agency may choose to skip preparation of the EA and just prepare the EIS.

After the final EIS is prepared, the agency will then prepare a public record of decision (ROD) which describes how it addressed the findings of the EIS.

14.7 Application to NOAA

While most NOAA actions do not require scrutiny under the NEPA process, NOAA Designated Responsible Officials must be aware of this law's potential. Contact the NOAA Regional Environmental Compliance Officer (RECO) if there is any doubt about the environmental impacts of a proposed effort.

NOAA Administrative Order NAO 216-6, Section 1.02b1 clearly explains that “a proposed action, in conceptual stages, does not require an environmental review until it has an established goal and is preparing to make a decision on how to establish that goal.” At that stage, the proposed action is subject to environmental review.

To assist in defining which Federal actions may be considered “major” and potentially subject to NOAA’s control and responsibility, Section 6.01a of NAO 216-6 defines the term “actions” to include: new and continuing activities, including projects and programs entirely or partly financed, assisted, conducted, regulated or approved by NOAA; new or revised agency rules, regulations, plans, policies or procedures; and legislative proposals.

14.8 Responsibilities

14.8.1 NOAA Headquarters

- a. The NOAA Environmental/Safety Office shall perform an annual assessment of the NOAA headquarters facilities to ensure that the facilities are in compliance with this section.

- b. The NOAA Environmental/Safety Office shall periodically perform an assessment of the regional headquarters and field offices to ensure compliance with this section. The frequency of these regional and field office assessments shall be determined by the NOAA Environmental/Safety Office.
- c. Requests for clarification concerning this section shall be directed to the NOAA Environmental/Safety Office.

14.8.2 Regional or Operating Unit Environmental/Safety Coordinator

- a. Shall monitor and coordinate to promote compliance with the requirements of this procedure for the regional headquarters and field offices or operating units.
- b. Shall ensure that procedures are developed at regional headquarters or operating unit facilities to incorporate the NEPA process into the planning of “major actions”.
- c. Shall perform an annual assessment of the regional headquarters facilities or operating unit to monitor and promote compliance with the requirements of this section.
- d. Shall perform assessments or designate personnel to perform assessments of all field offices to monitor and promote compliance with the requirements of the section.

14.8.3 Designated Responsible Official

- a. Shall have oversight over the implementation of this section and ensure that the requirements of this section are followed by individuals at the NOAA facility.
- b. Shall ensure sufficient personnel and funding are available to enable compliance with all applicable requirements of this section.
- c. Shall ensure that procedures are developed at NOAA field offices to consider the environmental impacts of “major actions” early in the planning process.

- d. Shall ensure NOAA employees follow the requirements of this section.
- e. Shall review or delegate review of this section on an annual basis to ensure that the facility is complying with its requirements. Confirmation of this review shall be forwarded to the Regional or Operating Unit Environmental/Safety Coordinator.
- f. Shall ensure that the NEPA process is included early in the planning of “major actions.”

14.8.4 Facility Environmental Coordinator or Environmental and/or Safety Focal Point or Designated Person

- a. Shall ensure that any tasks delegated to them by the Designated Responsible Official are implemented in accordance with the requirements of this section.

14.8.5 Employees

- a. Individual employees affected by this section are required to read, understand and comply with the requirements of this section.
- b. Report all violations of the requirements of this section to their supervisor or Safety Focal Point.

14.9 References

Incorporated References

The following list of references is incorporated as a whole or in part into this section. These references can provide additional explanation or guidance for the implementation of this section.

- 17.10.1 National Oceanic and Atmospheric Administration Administrative Order NAO216-6 “Environmental Review Procedures for Implementing the National Environmental Policy Act,” <http://www.rdc.noaa.gov/~nao/216-6.html>